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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,850	08/07/2001	Joseph A. King	5568	2021

7590 12/17/2003

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EXAMINER

LEE, KEVIN L

ART UNIT PAPER NUMBER

3753

DATE MAILED: 12/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,850

Applicant(s)

KING, JOSEPH A.

Examiner

KEVIN L LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,7-9,11,14-17,19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 6, 10, 12, 13, 18 and 21-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of claims 1, 2, 5, 6, 10, 12, 13, 18 and 21-27 in Paper No. 6 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 12, 13, 18, 21-23 and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Garelick (U.S. patent no. 2,326,212). The patent to Garelick discloses a system for water treatment comprising a container (10) for holding a quick dispensing water treatment material (chlorine), col. 1 of page 1, lines 35-40. Service water in the conduit (11) causes a vacuum entraining the liquid from a reservoir (12) filled by the container (10), the entrained liquid being dispensed into the fluid stream in the conduit (11), col. 2 of page 1, lines 28-39.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hubert (U.S. patent no. 3,194,444). The patent to Hubert discloses a container (14) for insertion into a dispersal valve (10). A quick dispensing water treatment material (liquid) is disposed within the container, col. 2, lines 12-14. The container (14) is open at one end. Water flow past the open end of the container causes the liquid within the container to be entrained into the stream of water, col. 2, lines 17-33 and lines 49-51. The container (14) is filled with the liquid prior to being inserted into the dispersal valve (10). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the container sealed at the open end during transit and storage to contain the liquid within the container when not in use. The liquid within the container remains in place until placed in use in the dispersal valve, the container being supported by the lid (12) of the dispersal valve.

Claim 1, 2, 5, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garelick. The container (10) of Garelick is filled with the chlorine prior to being inserted into the dispersal valve. It would have been obvious to one of ordinary skill in the art at

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the time of the invention to have the container sealed at the open end during transit and storage to contain the liquid within the container when not in use.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garelick in view of Sexton, Sr. (U.S. patent no. 5,251,656). The water treatment material of Garelick lacks being a clarifier. The patent to Sexton, Sr. teaches the use of a clarifier as a water treatment material, the clarifier being used to improve the overall water quality, col. 4, lines 33-42. In view of the teaching of Sexton, Sr., it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the chemical dispenser of Garelick to include a clarifier as the water treatment material to improve the overall water quality of the treated water.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN L LEE whose telephone number is (703) 308-1025. The examiner can normally be reached on MONDAY-THURSDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID SCHERBEL can be reached on (703) 308-1272. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

DECEMBER 13, 2003


Kevin Lee
Primary Examiner